THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO: 3473 of 2006

Dated: 24-03-2006

Between:

M/s Golden Enterprises,

Rep., by its Manager, G.B.Srinivas,

Yanam, Pondicherry.

..... PETITIONER

AND

The Commissioner of Prohibition and & Excise,

Government of Andhra Pradesh,

Hyderabad and two others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No. 3473 of 2006

O R D E R:

This writ petition is filed seeking a declaration that the order dated 21-02-2006 passed by the first respondent to the extent of rejecting the Through Transport Permit sought by the petitioner for transportation of 1200 cases of Indian Made

Foreign Liquor from Pondicherry to Yanam through Andhra Pradesh is arbitrary and illegal.

When the matter is taken up for consideration, it is brought to my notice by the learned counsel for the petitioner that an identical issue has been considered by this Court in W.P.No.435 of 2006 and that while taking into consideration the new Rules framed under G.O.Rt.No.996, Excise Department, dated 25-10-2005, known as the Andhra Pradesh Excise (Import, Export, Transport Indian Liquor and Foreign Liquor) Permission Rules, 2005 (for short 'the Rules'), the said writ petition was disposed of with a direction to the first respondent-Commissioner of Prohibition and Excise to consider the application filed by the petitioner and pass fresh orders in accordance with Rule 16 (5) of the Rules. The said fact has not been disputed by the learned Government Pleader for Prohibition and Excise appearing for the respondents.

Having regard to the facts and circumstances of the case, following the decision dated 06-01-2006 in W.P.No.435 of 2006, this writ petition is disposed of setting aside the impugned order dated 21-02-2006 rejecting the Through Transport Permit to the extent of transportation of 1200 cases of Indian Made Foreign Liquor and directing the first respondent-Commissioner of Prohibition and Excise to consider the application of the petitioner and pass appropriate orders in accordance with Rule 16 (5) of the Rules as expeditiously as possible, positively on or before
28-03-2006. No costs.

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G.ROHINI,J

Dated: 24-03-2006

Note: Issue CC today.

B/o

klp/ghn